

PART 5

THIS DOCUMENT IS REQUIRED FOR NON-RESIDENTIAL PROPERTIES

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
MEMORANDUM OF AGREEMENT
NON-RESIDENTIAL PROPERTIES**

This Memorandum of Agreement (Agreement) has been developed so that any party interested in conducting a cleanup at a NON-residential property can do so with oversight from the Department. The Department will provide oversight as long as the Department is reimbursed for the cost of its review. This Agreement must be completed in its entirety by the party interested in conducting the cleanup activities and/or the party's authorized agent, and shall include a fully executed copy of the attached certification. The Department can not process any applications unless all the information requested is complete and all questions are answered to the satisfaction of the Department. Once completed the Agreement must be submitted to the following address:

**Division of Responsible Party Site Remediation
Bureau of Field Operations
401 East State Street, PO Box 434
Trenton, NJ 08625-0434**

**Attention: Section Chief - Case Assignment Section
(609) 292-2943**

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Case Assignment Section at (609) 292-2943 between the hours of 8:00 AM and 5:00 PM for assistance.

This Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Section Chief, Division of Responsible Party Site Remediation, Bureau of Field Operations pursuant to N.J.S.A. 13:1B-4.

This agreement is to be used as a formal request for Department oversight of cleanup activities pursuant to the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.) and review of reports submitted pursuant to the Technical Rules for Site Remediation (N.J.A.C. 7:26E et seq.).

MEMORANDUM OF AGREEMENT FOR NON-RESIDENTIAL PROPERTIES

CASE NUMBER _____

DATE _____

A. Current Use: Agricultural _____ Industrial _____ Undeveloped _____
 Commercial _____ Other _____

B. Site Name _____
Street Address _____
Zip Code _____ Municipality _____ County _____
Tax Block and Lot Number(s) _____
(available from local tax assessor's office)
Latitude _____ Longitude _____ Acreage _____
Geographic Boundaries _____
EPA ID # (if applicable) _____

C. **Who will be executing this Agreement?** (if different than Question B)

Name _____ Affiliation _____
Address _____
City _____ State _____ Zip Code _____
State of Incorporation _____ Corp. Status _____
Telephone # _____

D. Select which phase(s) of the cleanup process are to be performed and what document(s) are to be submitted pursuant to the agreement being requested.

<u>REMEDIAL PHASE</u>		<u>DOCUMENTS TO BE SUBMITTED</u>	
<input type="checkbox"/>	Preliminary Assessment	<input type="checkbox"/>	Preliminary Assessment Report
<input type="checkbox"/>	Site Investigation	<input type="checkbox"/>	Site Investigation Report
<input type="checkbox"/>	Remedial Investigation	<input type="checkbox"/>	Remedial Investigation Workplan
<input type="checkbox"/>	Remedial Action	<input type="checkbox"/>	Remedial Investigation Report
		<input type="checkbox"/>	Remedial Action Selection Report
		<input type="checkbox"/>	Remedial Action Workplan
		<input type="checkbox"/>	Remedial Action Report

E. **Current Site Owner(s)** (If different than B)

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

F. **Current Business Operator(s)**

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

G. **Current Business Operator(s)**

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

H. Provide the information requested below on the previous owners of the site and the entities who operate at the site.

Name	Owner or Operator	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I. For those former Owner(s) and/or Operator(s) identified above (in paragraph H), give a brief discussion of all operations at the site, including but not limited to types of operations, materials used, waste generated, and waste disposal techniques.

J. Are there currently or have there ever been any notices on the deed which constitute a Declaration of Environmental Restriction (DER) pursuant to N.J.A.C. 7:26E-1 et seq.?

Yes _____ No _____ Unknown _____

If yes, please state the name of the site as it was identified in the DER, the address, lot and block and EPA ID number (if applicable) associated with the site.

K. Are there currently, or have there ever been any hazardous substances as defined by N.J.A.C. 7:1E-1 et seq., used, treated, stored, disposed or discharges at the site (i.e. fuel oil, gasoline)?

Yes _____ No _____

L. Are there currently, or have there ever been any hazardous wastes as defined by N.J.A.C. 7:1E-1 et seq., used, generated, treated, stored, disposed, or discharged at the site?

Yes _____ No _____ Unknown _____

M. Are there currently, or have there ever been, any above or below ground storage tanks at the site?

Yes _____ No _____ Unknown _____

N. Did the discharge impact groundwater?

Yes _____ No _____ Unknown _____

O. What are the current operations at the site?

P. What are the intended future uses of the site?

Q. Describe briefly the major types of contaminants found at the site and what media they affect.

- R. Describe in detail how the contamination came to exist at the site. For example, were there past spills, landfills operations, industrial septic systems, UST's, Deposition of fill material, etc.?

- S. List any civil/criminal actions taken against the owner/operator, managers or officials associated with the site for violations of any environmental laws or statutes.

Check here if no violations or alleged violation []

Date of Action _____

Section of law or statute violated _____

Type of enforcement action _____

Description of the violation _____

How was the violation or alleged violation resolved?

- T. List all permits currently held by the applicant for the site. (NJPDES, RCRA, etc.)

- U. Has a Hazardous discharge Site Remediation Fund Grant or Loan Application been filed with the Department?

Yes _____ No _____

- V. Has a loan/grant application pursuant to the Underground Storage Tank Finance Act been filed with the Department?

Yes _____ No _____

- W. Is the site located in a Neighborhood Empowerment Zone as defined in P.L.1996,c.62 (New Jersey urban Redevelopment Act)?

Yes _____ No _____ Unknown _____

- X. Who will be the contact for all matters of this application?

Name _____ Title _____

Affiliation _____ Telephone _____

Address _____

City/Town _____ State _____ Zip code _____

Y. Is the site currently, or has it ever been, under the oversight of any other program within the Department of Environmental Protection?

Yes _____ No _____

If yes, explain: _____

Z. Do you consider this site to be a Brownfield as defined below:

Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, a discharge of a contaminant.

OR

Is the remediation being conducted with the intent to pursue redevelopment?

Yes _____ No _____

The following certification shall be signed by the highest ranking individual with overall legal responsibility for implementing the remediation of a site, but shall not include contractors or consultants.

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or;
3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

A duly authorized representative of those persons described above may also sign the certification. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or an individual occupying a named position);
3. The written authorization is submitted to the Department; and
4. If the authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this subsection shall be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

" I certify that I am fully aware of the requirements of N.J.A.C 7:26C-3, specifically as it pertains to the Agreement by rule. Further, I agree to pay the Department's oversight costs for the Department's review of any submissions pursuant to the Agreement until such time as I notify the Department that it is no longer feasible or desirable for me to continue with the Agreement."

APPLICANT

DATE

SIGNATURE

NAME (PLEASE PRINT)

DATE

NOTARY SIGNATURE

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE

SIGNATURE

NAME (PLEASE PRINT)

The Department will review the application and will respond in writing, within thirty calendar days from receipt of the application, as to whether the application is administratively complete or not. If the application is incomplete the deficiencies shall be listed. If the application is complete, the applicant will be deemed to have entered into an Agreement by rule pursuant to N.J.A.C. 7:26C-3.3.